No. 14-844

IN THE

Supreme Court of the United States

ANTOINE BRUCE,

Petitioner,

v.

CHARLES E. SAMUELS, JR., *et al.*,

Respondents.

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit

JOINT APPENDIX

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PETITION FOR CERTIORARI FILED JANUARY 16, 2015
CERTIORARI GRANTED JUNE 15, 2015

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U.S. District Court
District of Columbia (Washington, DC)
Relevant Docket Entries for *Pinson v. Lappin*, No. 1:10-cv-00092

Date Filed	#	Docket Text
01/19/2010	1	COMPLAINT against LISA AUSTIN, JOYCE K. CONLEY, LEE H. GREEN, RAYMOND E. HOLT, HARLEY G. LAPPIN, JOHN T. RATHMAN, DELBERT G. SAVERS, RUFUS WILLIAMS (Filing fee $ 0.00) filed by JEREMY PINSON. (Attachments: # 1 Civil Cover Sheet)(ls,) (Entered: 01/21/2010)
01/19/2010	2	MOTION for Leave to Proceed in forma pauperis by JEREMY PINSON (ls,) (Entered: 01/21/2010)
01/19/2010	3	ORDER TRANSFERRING PRO SE CASE to the USDC for the Northern District of Alabama. Whether plaintiff should be permitted to proceed further without prepayment of fees is a determination to be made by the transferee court. Signed by Judge Colleen Kollar-Kotelly on 1/8/2010. (ls,) (Entered: 01/21/2010)

Date Filed	#	Docket Text
03/01/2010	7	NOTICE OF APPEAL as to 3 Order Transferring Pro Se Case, by JEREMY PINSON. Fee Status: No Fee Paid. Parties have been notified. (kb) (Entered: 03/02/2010)
03/15/2010	9	ORDER of USCA as to 7 Notice of Appeal filed by JEREMY PINSON; Ordered that petitioner's Notice of Appeal be construed as a Petition for Writ of Mandamus. It is further Ordered that by April 14, 2010, petitioner submit a memorandum of law and fact in support of the petition. The memorandum may not exceed 30 pages. Failure by petitioner to comply with this order will result in dismissal of the petition for lack of prosecution. Further Ordered, on the court's own motion, that by April 14, 2010, petitioner either pay the $455.00 docketing fee to the Clerk, US Court of Appeals for the District of Columbia Circuit, or file with this Court a Motion for Leave to proceed on appeal in forma pauperis. USCA Case Number 10-5059. (ls,) (Entered: 03/18/2010)

Date Filed	#	Docket Text
08/26/2010	10	Amended NOTICE OF APPEAL re appeal 7 by JEREMY V. PINSON. (kb) (Entered: 09/03/2010)

United States Court of Appeals
for the District of Columbia
Relevant Docket Entries for *Pinson v. Samuels*,
No. 10-5059

Date	Docket Text
03/04/2010	NOTICE OF APPEAL filed [1233276] by Jeremy Pinson seeking review of a decision by the U.S. District Court in 1:10-cv-00092-UNA. Assigned USCA Case Number [10-5059]
03/15/2010	CLERK'S ORDER filed [1234949] construing notice of appeal as a petition for writ of mandamus [1233276-2]; directing response to writ of mandamus [1233276-2]. Petitioner memorandum of law in support of petition for writ of mandamus--due 04/14/2010; directing party to file motion to proceed on appeal in forma pauperis or payment of docketing fee. APPELLANT payment of docketing fee or motion to proceed IFP in district court due 04/14/2010, Failure to respond shall result in dismissal of the case for lack of prosecution; The Clerk is directed to transmit a copy of this order to the district court.; The Clerk is directed to send this order to appellant by whatever means necessary to ensure receipt. [10-

Date	Docket Text
	5059]
03/15/2010	PETITION filed [1234957] by Appellant Jeremy Pinson for writ of mandamus. [Service Date: 03/15/2010 by US mail] Pages: 1-10. [10-5059]
03/29/2010	MOTION filed [1237286] by Jeremy Pinson leave to proceed ifp in the district court (Response to Motion served by mail due on 04/05/2010) [Service Date: 03/23/2010 by US mail] Pages: 1-10. [10-5059]
04/01/2010	PRISONER CONSENT to COLLECTION FILED [1238086] by Jeremy Pinson [10-5059]
04/01/2010	PRISONER TRUST ACCOUNT REPORT FILED [1238087] by Jeremy Pinson [10-5059]
04/05/2010	APPELLANT MEMORANDUM OF LAW AND FACT [1238801] filed by Jeremy Pinson [Service Date: 03/31/2010] Pages: 1-10. [10-5059
04/05/2010	MOTION filed [1238802] by Jeremy Pinson styled as "motion to stay collection of fees" (Response to Motion served by mail due on 04/12/2010) [Service Date: 03/28/2010 by US mail] Pages: 1-10. [10-5059]

Date	Docket Text
07/22/2010	MOTION filed [1257217] by Jeremy Pinson styled as "motion for joinder of appellees and for appointment of counsel". (Response to Motion served by mail due on 08/05/2010) [Service Date: 07/22/2010 by US mail] Pages: 1-10. [10-5059]
08/13/2010	NOTICE FILED [1260996] by Jeremy Pinson titled "notice regarding appellant/movant Cowley" [Service Date: 08/17/2010] [10-5059]
09/03/2010	NOTICE [1275938] filed from Clerk, District Court of filing amended notice of appeal. [10-5059]
04/08/2011	CLERK'S ORDER filed [1302459] construing the amended notice of appeal [1275938-2] as a supplement to the petition for a writ of mandamus; directing party to file memoranda of law: APPELLANT Memorandum of Law and Fact due 05/09/2011, The memorandum may not exceed fifteen pages. Failure to respond shall result in dismissal of the case for lack of prosecution; The Clerk is directed to send this order to appellant by whatever means necessary to ensure receipt. [10-

Date	Docket Text
	5059]
04/25/2011	APPELLANT MEMORANDUM OF LAW AND FACT [1305087] filed by Jeremy Pinson [Service Date: 04/20/2011] Pages: 1-10. [10-5059]
09/12/2011	RESPONSE IN OPPOSITION FILED [1328930] by Lisa Austin, Joyce K. Conley, Lee H. Green, Raymond E. Holt, Harley G. Lappin, John Rathman, Delbert G. Savers and Rufus Williams to motion for other relief [1238802-2], motion ifp in district court [1237286-2] [Service Date: 09/12/2011 by US Mail] Pages: 16-20. [10-5059] (Kelly, Wynne)
10/11/2011	REPLY FILED [1336063] by Jeremy Pinson to response [1328930-2] [Service Date: 10/04/2011 by US Mail] Pages: 1-10. [10-5059]
12/29/2011	PER CURIAM ORDER filed [1350137] directing that, within thirty days of the date of this order, appellees file a supplemental pleading, not exceeding ten pages, addressing the imminent-danger argument contained in the reply [1336063-2] to the response to the motion for leave to proceed in forma pauperis and motion to stay

Date	Docket Text
	collection of fees. Appellees supplemental pleading due on 01/30/2012. Petitioner/appellant may file a response to the supplemental pleading, not exceeding ten pages, within thirty days after the filing of the supplemental pleading. Petitioner/appellant's response to appellees supplemental pleading due 02/29/2012 Before Judges: Griffith, Kavanaugh and Ginsburg. [10-5059]
01/30/2012	RESPONSE FILED [1355445] by Lisa Austin, Joyce K. Conley, Lee H. Green, Raymond E. Holt, Harley G. Lappin, John Rathman, Delbert G. Savers and Rufus Williams to order [1350137-2] [Service Date: 01/30/2012 by US Mail] Pages: 1-10. [10-5059] (Kelly, Wynne)
02/06/2012	REPLY FILED [1357246] by Jeremy Pinson to response [1355445-2] [Service Date: 02/03/2012 by US Mail] Pages: 1-10. [10-5059]
04/18/2012	PER CURIAM ORDER filed [1369470] directing that within thirty days of the date of this order each individual other than Jeremy Pinson who filed the amended notice of appeal previously

Date	Docket Text
	construed as a supplement to the petition for a writ of mandamus and the "motion for joinder of appellees and for appointment of counsel" (1) inform the court of his current address, (2) file a completed motion for leave to proceed in forma pauperis if he is unable to pay the filing fee, and (3) file a completed prisoner trust account report and consent to collection of fees if he files a motion for leave to proceed in forma pauperis and he was a prisoner when he filed the amended notice of appeal or the "motion for joinder of appellees and for appointment of counsel." Failure to comply with this order will result in dismissal of the case as to the non-complying individual for lack of prosecution. See D.C. Cir. Rule 38. The Clerk is directed to send this order to appellant by whatever means necessary to ensure receipt. Before Judges: Garland, Brown and Kavanaugh. [10-5059]
05/07/2012	PRISONER CONSENT to COLLECTION FILED [1372901] by Jeremy Pinson [10-5059]
05/07/2012	PRISONER TRUST ACCOUNT REPORT FILED [1372902] by

Date	Docket Text
	Jeremy Pinson [10-5059]
08/13/2012	MOTION filed [1390309] by Mikeal Glenn Stine styled as "verified motion requesting to join the appellants/movants" [Service Date: 08/05/2012] Pages: 1-10. [10-5059]
01/29/2013	RELIEF ADDED--PER CURIAM ORDER filed [1417716] denying Mikeal Glenn Stine's motion to join the appellants/movants [1390309-2]; dismissing as moot motion for joinder of appellees as to all of the movants other than Nathaniel Theris [1257217-2]; denying motion for joinder of appellees [1257217-2] and dismissing mandamus petition [1234957-2] as to Nathaniel Theris; granting Andrew Wesley Hobbs's motion for leave to proceed in forma pauperis [1375194-2]; granting Jeremy Brown's motion for leave to proceed in forma pauperis [1375199-2]; referring the petition for writ of mandamus [1234957-2] and Jeremy Pinson's motion for leave to proceed in forma pauperis [1237286-2] to the merits panel to which this case is assigned. Appointing Anthony F. Shelley as amicus curiae to present arguments in favor of petitioners' positions. Setting briefing format:

Date	Docket Text
	petitioners may file a joint opening brief of 14,000 words and a joint reply brief if 7,000 words, or they may file individual opening briefs of 8,000 words for Jeremy Pinson and 3,000 words each for Andrew Wesley Hobbs and Jeremy Brown and individual reply briefs of 4,000 words for Jeremy Pinson and 1,500 words each for Andrew Wesley Hobbs and Jeremy Brown. The Clerk is directed to issue an appropriate briefing schedule and calendar this case for presentation to a merits panel. Before Judges: Garland, Brown and Kavanaugh. [10-5059]--[Edited 01/29/2013 by TAR]
02/19/2013	MOTION filed [1422486] by Mr. Antoine Bruce to reconsider order [1417716-4] (Response to Motion served by mail due on 02/22/2013) [Service Date: 02/08/2013 by US Mail] Pages: 1-10. [10-5059]
06/03/2013	MODIFIED EVENT--INCORRECT PDF WAS ATTACHED--PER CURIAM ORDER filed [1439226] granting motions to reconsider [1422490-2], [1422486-2]; reinstating Antoine Bruce and John Samuel Leigh as petitioners; directing that Bruce and Samuel

Date	Docket Text
	file ifp prisoner submissions: APPELLANT consent to collection form due 07/03/2013. APPELLANT prisoner trust account report due 07/03/2013. APPELLANT payment of docketing fee or motion to proceed IFP in district court due 07/03/2013. Failure to comply with this order will result in dismissal of the mandamus petition as to Bruce and Leigh for lack of prosecution. The completed documents shall be referred to the merits panel to which this case is assigned. Bruce and Leigh have not requested to file briefs, and they may join in the briefs to be filed by the amicus curiae and/or the other petitioners. The Clerk is directed to send this order to appellant by whatever means necessary to ensure receipt. Before Judges: Henderson, Griffith and Kavanaugh. [10-5059]--[Edited 06/04/2013 by TAR]
06/05/2013	AMICUS FOR APPELLANT BRIEF [1439773] filed by Anthony F. Shelley [Service Date: 06/05/2013] Length of Brief: 13,920 words. [10-5059] (Shelley, Anthony)
06/05/2013	APPENDIX [1439774] filed [Volumes: 1] [Service Date: 06/05/2013] [10-5059] (Shelley,

Date	Docket Text
	Anthony)
06/21/2013	NOTICE FILED [1443025] by Mr. Antoine Bruce to join in brief [1439773-2] filed by Amicus Curiae, Shelly Anthony. [Service Date: 06/17/2013] [10-5059]
06/21/2013	MOTION filed [1443026] by Mr. Antoine Bruce to extend time to file IFP and PLRA submissions [Service Date: 06/17/2013] Pages: 1-10. [10-5059]
07/01/2013	MOTION filed [1445299] by Mr. Antoine Bruce to proceed on appeal in forma pauperis [Case Number 10-5059: IFP Pending USCA] [Service Date: 06/27/2013] Pages: 1-10. [10-5059]
07/01/2013	PRISONER CONSENT TO COLLECTION FILED [1445300] by Mr. Antoine Bruce [10-5059]
07/01/2013	PRISONER TRUST ACCOUNT REPORT FILED [1445301] by Mr. Antoine Bruce [10-5059]
07/03/2013	CORRECTED AMICUS FOR APPELLANT BRIEF [1445230] lodged by Anthony F. Shelley [10-5059] --[Edited 07/05/2013 by LMC -- MODIFIED EVENT FROM FILED TO LODGED] (Shelley, Anthony)

Date	Docket Text
08/05/2013	APPELLEE BRIEF [1450100] filed by Lisa Austin, Joyce K. Conley, Lee H. Green, Raymond E. Holt, Harley G. Lappin, John Rathman, Charles E. Samuels, Jr., Delbert G. Savers and Rufus Williams [Service Date: 08/05/2013] Length of Brief: 9,501 words. [10-5059] (Kelly, Wynne)
08/26/2013	MOTION filed [1454198] by Mr. Antoine Bruce and Jeremy Pinson styled as "joint motion for order concerning filing fee". (Response to Motion served by mail due on 09/12/2013) [Service Date: 08/29/2013 by CM/ECF NDA] Pages: 1-10. [10-5059]
08/26/2013	NOTICE FILED [1454202] by Mr. Antoine Bruce to join motion to stay collection of fees [1238802-2] filed by Appellants in 10-5059. [Service Date: 08/29/2013] [10-5059]--[Edited 08/29/2013 by LMC-MODIFIED EVENT]
08/29/2013	CLERK'S ORDER filed [1454213] dismissing as duplicative the motion for order concerning filing fee [1454198-2] and Antoine Bruce's request [1454202-4]. The Clerk is directed to note that Antoine Bruce has joined in the April 5, 2010 motion of Jeremy

Date	Docket Text
	Pinson to stay collection of fees. [10-5059]
09/03/2013	AMICUS FOR APPELLANT REPLY BRIEF [1454665] filed by Anthony F. Shelley [Service Date: 09/03/2013] Length of Brief: 6,993 words. [10-5059] (Shelley, Anthony)
11/14/2013	ORAL ARGUMENT HELD before Judges Garland, Henderson and Srinivasan. [10-5059]
12/10/2013	LETTER FILED [1469654] by Anthony F. Shelley pursuant to FRAP 28j advising of additional authorities [Service Date: 12/10/2013] [10-5059] (Shelley, Anthony)
08/05/2014	[THIS ORDER PARTIALLY AMENDED BY 10/22/2014 ORDER] PER CURIAM ORDER filed [1506088] ORDERED that the petition be dismissed for lack of standing as to Jeremy Brown, Antoine Bruce, Andrew Wesley Hobbs, and John Samuel Leigh. It is FURTHER ORDERED Antoine Bruce and John Samuel Leigh's motions to proceed in forma pauperis be granted. It is FURTHER ORDERED that Pinson and Bruce's motion to stay collection of fees be denied. It is

Date	Docket Text
	FURTHER ORDERED that Jeremy Pinson's motion to proceed in forma pauperis be denied; with respect to the challenge to the transfer order, Pinson has thirty days to pay the filing fee and proceed. The Clerk is directed to collect the applicable fees from each petitioner, excluding Pinson, in accordance with § 1915(b). [1445299-2], [1445272-2] [Case Number 10-5059: Fee Due] [1238802-2]; Failure to respond shall result in dismissal of the case for lack of prosecution; The Clerk is directed to mail this order to appellant by whatever means necessary to ensure receipt. Before Judges: Garland, Henderson and Srinivasan. [10-5059]--[Edited 10/22/2014 by JMC]
08/05/2014	OPINION filed [1506089] (Pages: 16) for the Court by Judge Srinivasan [10-5059]
08/05/2014	[THIS ORDER PARTIALLY AMENDED BY 11/21/2014 ORDER] PER CURIAM ORDER filed [SEE ORDER FOR FURTHER DETAILS] [1506114] considering order [1506088-5], assessing docketing fee from Antoine Bruce. The Clerk is directed to send a copy of this order

Date	Docket Text
	to Bruce by whatever means necessary to ensure receipt. The Clerk is further directed to send to Bruce's custodian a copy of this order and Bruce's consent to collection of fees [10-5059]
08/18/2014	PETITION filed [1508357] by Appellant Jeremy Pinson for rehearing, for rehearing en banc. [Service Date: 08/13/2014 by US Mail] Pages: 1-10. [10-5059]
10/01/2014	AMICUS FOR APPELLANT SUPPLEMENTAL BRIEF [1515044] filed by Anthony F. Shelley [Service Date: 10/01/2014] Length of Brief: 15 pages. [10-5059] (Shelley, Anthony)
10/22/2014	PER CURIAM ORDER filed [1518415] ORDERED that the motion for extension be denied. It is FURTHER ORDERED that the petition for rehearing be denied. It is FURTHER ORDERED that the order filed August 5, 2014, be amended to reflect that Pinson must pay $90.00 (one-fifth of the filing fee) within thirty days of the date of the amended order to be allowed to proceed with his case. If Pinson pays the $90.00, the remaining petitioners' fees will be reduced from $112.50 each to

Date	Docket Text
	$90.00 each. [1511765-3]; [1508357-2]; [1506088-2] Before Judges: Garland, Henderson and Srinivasan. [10-5059]
10/22/2014	AMENDED PER CURIAM ORDER filed [1518416] ORDERED that the petition be dismissed for lack of standing as to Jeremy Brown, Antoine Bruce, Andrew Wesley Hobbs, and John Samuel Leigh. It is FURTHER ORDERED Antoine Bruce and John Samuel Leigh's motions to proceed in forma pauperis be granted. It is FURTHER ORDERED that Pinson and Bruce's motion to stay collection of fees be denied. It is FURTHER ORDERED that Pinson's motion to proceed in forma pauperis be denied; with respect to the challenge to the transfer order, Pinson has thirty days to pay $90.00 (one-fifth of the filing fee), and proceed. The Clerk is directed to collect the applicable fees from the other petitioners in accordance with § 1915(b). Failure to respond shall result in dismissal of the case for lack of prosecution, this order to appellant by whatever means necessary to ensure receipt. Before Judges: Garland, Henderson and Srinivasan. [10-5059]

Date	Docket Text
10/22/2014	PER CURIAM ORDER, En Banc, filed [1518417] denying petition for rehearing en banc [1508357-3] Before Judges: Garland, Henderson, Rogers, Tatel, Brown, Griffith, Kavanaugh, Srinivasan, Millett, Pillard and Wilkins. [10-5059]
11/21/2014	CLERK'S ORDER filed [1523748] In accordance with the court's order filed October 22, 2014, and it appearing that petitioner Jeremy Pinson has paid a filing fee of $90.00, it is ORDERED that the orders filed August 5, 2014, assessing petitioners Jeremy Brown, Antoine Bruce, Andrew Wesley Hobbs, and John Samuel Leigh a filing fee of $112.50 apiece be amended to reflect that the filing fee assessment for these petitioners is now $90.00 apiece. [1518417-2] [10-5059]
11/21/2014	AMENDED PER CURIAM ORDER filed [1523752] considering Merits Panel order of docketing fee payment [1506088-2], assessing docketing fee from Antoine Bruce. The Clerk is directed to send a copy of this order to Bruce by whatever means necessary to ensure receipt. The Clerk is further directed to

Date	Docket Text
	send to Bruce's custodian a copy of this order and Bruce's consent to collection of fees [10-5059]
01/16/2015	LETTER filed [1533701] by the Clerk of the Supreme Court of the United States notifying this court of the following activity in the case before it: A petition for writ of certiorari was filed and placed on the docket on 01/16/2015 as No. 14-844. [10-5059]
06/15/2015	LETTER received [1557611] from the Clerk of the Supreme Court of the United States notifying this court of the following activity in case No. 14-844: The petition for writ of certiorari was granted on 06/15/2015. [10-5059]

[Transcribed from handwritten document.]

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

[date-stamp:]
FILED
JAN 19 2010
Clerk, U.S. District and
Bankruptcy Courts

Jeremy V. Pinson,
#16267-064
Plaintiff,
F.C.I.
POB 1000
Talladega, AL. 35160

v.

Harley G. Lappin,
Joyce K. Conley,
Raymond E. Holt,
Delbert G. Sauers,
Rufus Williams,
John T. Rathman,
Lisa Austin,
Lee H. Green,
Defendants

Case: 1:10-cv-00092
Assigned To: Unassigned
Assign. Date: 1/19/2010
Description: Pro Se Gen. Civil

COMPLAINT

A. Parties:

1. The Plaintiff, Jeremy V. Pinson (Reg. No. 16267-064) is a federal prisoner confined at the Federal Correctional Institutions, 565 E. Renfroe Road, Talladega, AL, 35160.

2. The Defendant Harley G. Lappin, is employed as Director of the Federal Bureau of Prisons at 320 First Street N.W., Washington, D.C. 20534.

[stamp: **RECEIVED** DEC 28 2009 Clerk, U.S. District and Bankruptcy Courts]

3. The Defendant, Joyce Conley is employed as Assistant Director (C.P.D.), Federal Bureau of Prisons, 320 First Street N.W., Washington, D.C., 20564.

4. The Defendant, Raymond E. Holt is employed as Regional Director, Federal Bureau of Prisons, 3800 Camp Creek Parkway S.W. Bldg. 2000 Atlanta, GA, 30331.

5. The Defendant, Delbert G. Sauers is employed as D.S.C.C. Chief, Federal Bureau of Prisons, 346 Marine Forces Drive, Grand Prairie, Texas, 75051.

6. The Defendant, Rufus Williams is employed as Regional Corr. Services Administrator, 3800 Camp Creek Parkway S.W., Bldg. 2000, Atlanta, GA, 30331.

7. The Defendant, John T. Rathman is employed as Warden, FCI Talladega, 565 E. Renfroe Road, Talladega, AL, 35160.

8. The Defendant, Lisa Austin, is employed as Chief Designator, Federal Bureau of Prisons, 346 Marine Forces Drive, Grand Prairie, Texas, 75051.

9. The Defendant, Lee H. Green is employed as Hearings Administrator, Federal Bureau of Prisons, 3800 Camp Creek Parkway S.W., Bldg. 2000, Atlanta, GA 30331.

10. All defendants are sued for monetary damages in their individual capacity only.

11. All defendants are sued for injunctive relief in their individual and official capacity.

B. Jurisdiction

1. Juris diction is asserted pursuant to 28 U.S.C. 1331 and 2201-02.

2. Jurisdiction is additionally asserted pursuant to Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971).

C. Cause of Action

I. Claim One: Violation of the Eighth Amendment to United States Constitution;

a. Supporting Facts:

1. Plaintiff is incarcerated in the Federal Bureau of Prisons.

2. Defendant Lappin is the Director of the Federal Bureau of Prisons ("BOP") and conducts business at the BOP Central Office which is located in Washington, D.C.

3. Defendant Conley is the BOP Assistant Director who oversees the Correctional Programs Division and conducts business at the BOP Central Office which is located in Washington, D.C.

4. Defendants Lappin and Conley supervise operations in 107 federal prisons located within 6 geographic regions of the BOP.

5. Defendants Lappin and Conley serve as policymaker's for the BOP and in the course of daily business review reports of incidents

occurring at federal prisons nationwide and also monitor gang-related activity occurring within federal prisons.

6. Defendant Lappin in conjunction with Defendant Conley, formulated and approved Program Statement 5217.01 in November 2008.

7. Program Statement 5217.01 created the BOP's Special Management Units which are located, or believed located, at Oxford, Wisconsin; Talladega, Alabama; Lewisburg, Pennsylvania; Oakdale, Louisiana and Victorville, California.

8. Special Management Units are designed to house inmates who have while in custody allegedly participated in geographical group, gang related activity or disruptive conduct of the greatest severity, among other things.

9. An inmate who is approved for placement in a Special Management Unit must for 18 to 24 months take a cellmate, remain misconduct free and participate in any scheduled programs.

10. Gangs or geographical groups housed in the Special Management Unit include but are not limited to PAISA, Blood, Crip, Mexican Mafia, Texas Syndicate, California Aryan Brotherhood, Texas Aryan Brotherhood, SAC, SAW, Mexikanemi, Gangster Disciples and others.

11. Many of the gangs assigned to the Special Management Unit are enemies of other gangs housed therein who have vowed to murder or do serious bodily injury against rival gangmembers.

12. Progam Statement 5217.01 requires inmates to coexist peacefully with known enemies and makes no distinction between assaultive and

predacious inmates, and those who are victims of such behavior.

13. Since the Special Management Units were created by Defendants Lappin and Conley, hundreds of inmate on staff, inmate on inmate assaults have occurred in addition to several hostage situations and suicides.

14. Defendants Lappin and Conley are aware of the violence which is occurring within Special Management Units as they are notified in writing subsequent to each incident, but have failed to take reasonable steps to prevent further violence or to seperate rival gangs.

15. Defendants Holt and Conley participated in the designation of 98 inmates, including Plaintiff, to the Talledega Special Management Unit. The final decision to place Plaintiff into a Special Management Unit occurred at Washington, D.C.

16. Defendants Conley and Holt were are the Plaintiff was a homosexual and faced a substantial risk of harm if sent to a Special Management Unit at the time they approved his placement.

17. Defendant Green conducted Plaintiffs hearing on Referral to a Special Management Unit and was aware of the substantial risk of harm Plaintiff faced when he recommended Plaintiff be placed in a SMU.

18. Defendants Austin and Sauers designated the Plaintiff to the Talladega Special Management Unit though they were aware of Plaintiff's safety needs and also aware of the violent, predacious

nature inmates they also designated to the Talladega Special Management Unit.

19. Defendants Sauers and Austin failed to seperate the Plaintiff from known enemies or to property identify the Plaintiff as a former associate of the Sureno gang.

20. Defendants Rathman and Williams supervised operations at the Talladega Special Management Unit and coerced inmates into life threatening conditions by forcing rival inmates to house together in cells or general housing areas.

21. All defendants' actions were supervised or coordinated from Washington, D.C.

22. The Special Management Units are unconstitutionally violent and dangerous.

23. The Plaintiff is in imminent danger of death or serious bodily injury.

II. CLAIM TWO: Violation of First Amendment to United States Constitution;

a. SupportingFacts:

1. Paragraphs of CLaim One are reincorporated herein.

2. On dozens of occasions the Plaintiff received mail from legal entities and such mail was opened outside the presence of the Plaintiff.

3. Defendants Lappin, Conley, Holt and Rathman knowingly permitted correctional staff to open Plaintiff's privileged legal communications outside his presence and to hold the same for up to 2 weeks.

4. Policies concerning inmate mail processing were created and are supervised from Washington, D.C.

5. On at least 2 occasions Plaintiff did not receive mail from U.S. District Courts which contained deadlines that the Plaintiff missed as a result of the aforementioned policy concerning legal mail.

6. BOP Regulations require all legal entities to use specific language in identifying privileged correspondence and ignore any markings which indicate the legal nature of the correspondence but which don't use the specific language in the regulation.

D. Requested Relief

1. Nominal Damages - $ 1.00

2. Punitive Damages - $ 1,500,000.00

3. Declaratory Relief declaring Program Statement 5217.01 to Violate the 8th Amendment to the U.S. Constitution.

4. Injunctive Relief enjoining defendants from coercing inmates in Special Management Units to interact and come into physical contact with rival gangmembers or individuals whom they reasonably believe would cause them harm

It is So Prayed.

Respectfully,

/s/ Jeremy Pinson
Jeremy Pinson #16267-064
FCI Talladega
P.O. Box 1000
Talladega, AL, 35160
Plaintiff

I declare under penalty of perjury pursuant to 28 U.S.C. 1746 that the aforegoing is true and correct to the best of my knowledge and belief. Executed this 22nd of December 2009.

/s/ Jeremy Pinson
Jeremy Pinson

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

[date-stamp:]
FILED
JAN 19 2010
CLERK, U.S. District
and Bankruptcy Courts

Jeremy V. Pinson,	)	
	)	
Plaintiff,	)	
v.	)	Civil Action No. 10 0092
Harley G. Lappin *et al.*,	)	
	)	
Defendants.	)	
	)	

TRANSFER ORDER

This matter is before the Court on plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. Plaintiff is a federal prisoner currently confined at the Federal Correctional Institution in Talladega, Alabama. Plaintiff alleges that prison officials there violated his Eighth Amendment rights by placing him in the Talladega Special Management Unit where he is allegedly "at substantial risk of harm," Compl. at 5, and his First Amendment rights by opening his legal mail outside of his presence. *See id.* at 6. He seeks $1.5 million in monetary damages and equitable relief. Because none of the alleged events forming the basis of the complaint occurred in the District of Columbia, this venue is improper for litigating the claims. *See* 28 U.S.C. § 1391(b) (designating the proper venue under the circumstances presented as the location

where a substantial part of the events occurred). The Court finds it in the interests of justice and judicial economy to transfer the case to the appropriate judicial district. Accordingly, it is this 8th date of January 2010,

ORDERED that pursuant to 28 U.S.C. § 1406(a), that this action is hereby TRANSFERRED to the United States District Court for the Northern District of Alabama. Whether plaintiff should be permitted to proceed further without prepayment of fees is a determination to be made by the transferee court.

/s/ Colleen Kollar-Kotelly
United States District Judge

[Transcribed from handwritten document.]

United States District Court
District of Columbia

[date-stamp:]
FILED
JAN 19 2010
Clerk, U.S. District and Bankruptcy Courts

Jeremy V. Pinson,
Plaintiff,

v.

Harley G. Lappin, et al.,
Defendants

Case No. 10-0092 UNA

Motion for Reconsideration

Comes Now the Plaintiff, pro se, and seeks reconsideration of the Court's Jan. 19, 2010 Order transferring this case to the Northern District of Alabama.

Plaintiff's objection is based upon the fact that several of the defendants are physically located within the District of Columbia and their decisions were made also within the District of Columbia. The authority to transfer Plaintiff to a prison in Alabama rests with officials located in the District of Columbia. The Northern District of Alabama does not possess jurisdiction to grant injunctive relief against officials in the District of Columbia for

actions, customs or policies which originate in Washington, D.C.

Wherefor the Plaintiff respectfully prays that the Court vacate it's Order transferring this case.

Respectfully,

/s/ Jeremy Pinson

Jeremy Pinson #16267-064
FCI Talladega S.M.U.
PO Box 1000
Talladega, AL, 35160
Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

[date-stamp:]
FILED
FEB 19 2010
Clerk, U.S. District and Bankruptcy Courts

JEREMY V. PINSON,
Plaintiff,

v.

HARLEY G. LAPPIN, *et al.*,
Defendants.

Civil Action No. 10-0092

ORDER

It is hereby

ORDERED that plaintiff's motion for reconsideration of the January 19, 2010 Transfer Order [Dkt. #4] is DENIED

SO ORDERED.

/s/ Henry H. Kennedy
United States District Judge

DATE: 2/7/2010

[Transcribed from handwritten document.]

United States District Court
District of Columbia

[date-stamp:]
FILED
MAR 01 2010
Clerk, U.S. District and Bankruptcy Courts

Jeremy Pinson,
Plaintiff,

v.

Harley Lappin, et al.,
Defendants

Case No. 10-0092 UNA

Notice of Appeal

Comes Now the Plaintiff pursuant to Fed. R. App. P. 4 and appeals the Court's Transfer Order (Dkt. #4) to the U.S. Court of Appeals for the D.C. Circuit.

Respectfully,

/s/ Jeremy Pinson

Jeremy Pinson #16267-064
Federal Correctional Institution
PO Box 1000
Talladega, AL, 35160
Plaintiff

cc: Unrepresented Defendants
U.S. Attorney (D.C.)

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 10-5059 **September Term 2009**
1:10-cv-00092-UNA

Filed On: March 15, 2010 [1234949]

Jeremy Pinson,

Appellant

v.

Harley G. Lappin, et al.,

Appellees

ORDER

Petitioner's recently filed notice of appeal has been transmitted to this court from the U.S. District Court for the District of Columbia. The notice seeks review of an order of the district court transferring petitioner's civil action to another district court. The proper means for contesting such a transfer is a petition for writ of mandamus filed in this court. See D.C. Circuit Handbook of Practice and Internal Procedure III.G.3 (2007). Accordingly, it is, on the court's own motion,

ORDERED that petitioner's notice of appeal be construed as a petition for writ of mandamus. It is

FURTHER ORDERED that by April 14, 2010, petitioner submit a memorandum of law and fact in support of the petition. The memorandum

may not exceed 30 pages. Failure by petitioner to comply with this order will result in dismissal of the petition for lack of prosecution. See D.C. Cir. Rule 38. It is

FURTHER ORDERED, on the court's own motion, that by April 14, 2010, petitioner either pay the $450 docketing fee to the Clerk, U.S. Court of Appeals for the District of Columbia Circuit, or file with this court a motion for leave to proceed on appeal in forma pauperis. See Attachment.

The Clerk is directed to transmit a copy of this order to the Clerk of the District Court as a request to delay transfer of that court's case until disposition of the petition by this court. The Clerk is further directed to send a copy of this order to petitioner by whatever means necessary to ensure receipt.

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Heather T. Stockslager
Deputy Clerk

[Form and handwritten responses transcribed.]

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

[**RECEIVED** stamp omitted]

[date-stamp:]
UNITED STATES COURT
OF APPEALS FOR THE
DISTRICT OF
COLUMBIA CIRCUIT
FILED MAR 29 2010
CLERK

Jeremy Pinson — USCA No. 10-5059
Appellant
v.
Harley Lappin, et al. — USDC No. 10-CV-00092-UNA

MOTION FOR LEAVE TO PROCEED
ON APPEAL IN FORMA PAUPERIS

I, Jeremy Pinson, declare that I am the X appellant/petitioner __ appellee/respondent in the above-entitled proceeding. In support of this motion to proceed on appeal without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to prepay the costs of said proceeding or to give security therefor. My affidavit or sworn statement is attached.

I believe I am entitled to relief. The issues that I desire to present on appeal/review are as follows: (*Provide a statement of the issues you will present to the court. You may continue on the other side of this sheet if necessary.*)

1) Whether the district court erred in transferring case?
2) Whether District of District of Columbia is proper venue for suit against multiple defendants some located in District of Columbia and other states?

Signature /s/ Jeremy Pinson

Name of *Pro Se* Litigant (PRINT) Jeremy Pinson

Address FCI Talladega, PO Box 1000, Talladega, AL, 35160.

Submit original with a certificate of service to:

Clerk of Court
United States Court of Appeals
for the District of Columbia Circuit
E. Barrett Prettyman U.S. Courthouse, Room 5523
333 Constitution Avenue, N.W.
Washington, DC 20001

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Jeremy Pinson — USCA No. 10-5059

v.

Harley Lappin, et al. — USDC No. 10-CV-00092-UNA

AFFIDAVIT ACCOMPANYING MOTION FOR PERMISSION TO APPEAL IN FORMA PAUPERIS

****

Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Instructions

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Signed: /s/ Jeremy Pinson

My issues on appeal are:

1) Whether the district Court erred in transferring case?
2) Whether District of District of Columbia is proper venue for suit against multiple defendants, some located in District of Columbia and other states?

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income Source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	$ 0	$ 0	$ 0	$ 0
Self-employment	$ 0	$ 0	$ 0	$ 0
	You	Spouse	You	Spouse
Income from real property (such as rental income)	$ 0	$ 0	$ 0	$ 0
Interest and dividends	$ 0	$ 0	$ 0	$ 0
Gifts	$ 0	$ 0	$ 0	$ 0
Alimony	$ 0	$ 0	$ 0	$ 0
Child support	$ 0	$ 0	$ 0	$ 0

Retirement (such as social security, pensions, annuities, insurance	$ 0	$ 0	$ 0	$ 0
Disability (such as social security, insurance payments)	$ 0	$ 0	$ 0	$ 0
Unemployment payments	$ 0	$ 0	$ 0	$ 0
Public-assistance (such as welfare)	$ 0	$ 0	$ 0	$ 0
Other (specify): Family	$30	$ 0	$ 20	$ 0
Total monthly income	$ 30	$ 0	$ 20	$ 0

2. List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address
N/A	NONE
N/A	NONE
N/A	NONE

Dates of employment	Gross monthly pay
NONE	0
NONE	0
NONE	0

3. List your spouse's employment history for the past *two* years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address
N/A	N/A
N/A	N/A

Dates of employment	Gross monthly pay
N/A	N/A
N/A	N/A

4. How much cash do you and your spouse have? $15.20

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account
N/A	N/A
N/A	N/A
N/A	N/A

Amount you have	Amount your spouse has
$ 0	$ 0
$ 0	$ 0
$ 0	$ 0

If you are a prisoner, seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home (Value)

N/A

N/A

N/A

Other real estate(Value)

N/A

N/A

N/A

Motor Vehicle #1 N/A (Value)

Make & Year: N/A

Model: N/A

Registration #:N/A

Motor Vehicle #2 0 (Value)

Make & Year: N/A

Model: N/A

Registration #: N/A

Other Assets (Value)

0

0

0

Other Assets (Value)

0

--

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
N/A	0	0
N/A	0	0
N/A	0	0

7. State every person, business, or organization to whom you or your spouse owes money, the nature of the indebtedness, and the amount owed.

Person to whom you or your spouse owe money	Nature of indebtedness (e.g. mortgage, credit card)	Amount owed	
		by you	by spouse
N/A	N/A	0	0

8. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A

9. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Spouse
Rent or home-mortgage payment (include lot rented for mobile home)	$ 0	$ 0
Are real-estate taxes included	__ Yes	X No
Is property insurance included?	__ Yes	X No
Utilities (electricity, heating fuel, water, sewer, and telephone)	$ 0	$ 0
Home maintenance (repairs and upkeep)	$ 0	$ 0

Food	$ 4	$ 0
Clothing	$ 0	$ 0
Laundry and dry-cleaning	$ 0	$ 0
Medical and dental expenses	$ 2	$ 0
Transportation (not including motor vehicle payments)	$ 0	$ 0
Recreation, entertainment, newspapers, magazines, etc.	$ 10	$ 0
Insurance (not deducted from wages or included in mortgage payments)	$ 0	$ 0
Homeowner's or renters	$ 0	$ 0
Life	$ 0	$ 0
Health	$ 0	$ 0
Motor Vehicle	$ 0	$ 0
Other: N/A	$ 0	$ 0
Taxes (not deducted from wages or included in	$ 0	$ 0

mortgage payments)		
(specify) N/A	$ 0	$ 0
Installment Payments	$ 0	$ 0
Motor Vehicle	$ 0	$ 0
Credit card (name): N/A	$ 0	$ 0
Department store (name): N/A	$ 0	$ 0
Other: N/A	$ 0	$ 0
Alimony, maintenance, and support paid to others	$ 0	$ 0
Regular expenses for operation of business, profession, or farm (attach detailed statement)	$ 0	$ 0
Other (specify): legal	$ 6	$ 0
Total monthly expenses:	$ 22	$ 0

10. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?
__ Yes X No

If yes, describe on an attached sheet.

11. Have you paid--or will you be paying--an attorney any money for services in connection with this case, including the completion of this form?
__ Yes X No

If yes, how much? $ 0

If yes, state the attorney's name, address, and telephone number.

N/A

12. Have you paid--or will you be paying--anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?
[X] Yes [ ] No

If yes, how much? $ 24.00

If yes, state the person's name, address, and telephone number:

Elite Paralegal Services

PO Box 2131

Appleton WI 54912

13. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

INCARCERATED

14. State the address of your legal residence.

FCI Talladega

PO Box 1000

Talladega, AL 35160

Your daytime phone number: (000) 000-0000

Your age: 24 Your years of schooling: 8

[Handwritten Certificate of Service omitted]

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

[Mailroom stamp omitted]

[date-stamp:]
UNITED STATES COURT
OF APPEALS FOR THE
DISTRICT OF
COLUMBIA CIRCUIT

FILED APR -1 2010
CLERK

Case No.: 10-5059 **Name:** Jeremy Pinson

Title: Jeremy Pinson v. Harley Lappin, et al. **Registration #R16267-064**

CONSENT TO COLLECTION OF FEES FROM TRUST ACCOUNT

I, Jeremy Pinson, Registration #R16267-064, hereby consent to have the appropriate prison officials withhold from my prison account and pay to the Clerk, U.S. District Court for the District of Columbia an initial payment of 20% of the greater of:

(a) the average monthly deposits to my account for the six-month period immediately preceding the filing of my notice of appeal; or

(b) the average monthly balance in my account for the six-month period

immediately preceding the filing of my notice of appeal.

I further consent to have the appropriate prison officials collect from my account on a continuing basis each month, an amount equal to 20% of each month's income. Each time the amount in the account reaches $10, the Trust Officer must forward the interim payment to the Clerk's Office, U.S. District Court for the District of Columbia until such time as the $455 filing fee is paid in full.

By executing this document, I also authorize collection on a continuing basis of any additional costs imposed by the Court of Appeals.

Signature of Prisoner: /s/ Jeremy Pinson
Date: 3-25-10

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Case No.: 10-5059 **Name:** Jeremy Pinson

Title: Jeremy Pinson v. Harley Lappin, et al. **Registration** #R16267-064

PRISONER TRUST ACCOUNT REPORT

To: Trust Officer

From: Clerk, U.S. Court of Appeals for the D.C. Circuit

Under the Prison Litigation Reform Act, a prisoner seeking to bring a civil action, or appeal a civil judgment, in forma pauperis must obtain from the Trust Officer of each institution in which the prisoner was confined during the six months preceding the filing of the action or appeal, a certified copy of the prisoner's trust account statement for that period. See 28 U.S.C. § 1915(a)(2).

Please complete this form, attach the supporting ledger sheets, and return these documents to the prisoner for mailing to the court in advance of April 21, 2010.

DATE NOTICE OF APPEAL FILED:	March 1, 2010
TRUST ACCOUNT BALANCE at time of filing the notice of appeal:	$ 10.00
AVERAGE MONTHLY DEPOSITS during the six months preceding the filing of the notice of appeal:	$48.00
AVERAGE MONTHLY BALANCE during the six months preceding the filing of the notice of appeal:	$ 21.75

I certify under penalty of perjury that the above information accurately states the deposits and balances in the prisoner's trust account for the period shown and that the attached ledger sheets are true copies of account records maintained in the ordinary course of business.

Authorized Signature: /s/ illegible **Date:** 03/23/10

Title: CSM

/25/2009	TL1225		TRUL Withdrawal	($2.00)		$3
:57:07 AM						
/22/2009	70148401		Lockbox - CD	$40.00		$4
5:48 AM						
/22/2009	ITDGD034 -		Debt Encumbrance		($8.00)	---
5:48 AM	489					
/21/2009	108		Sales	($2.60)		$
5:46 PM						
/17/2009	TL1217		TRUL Withdrawal	($2.00)		$
7:11 PM						
/15/2009	18		Sales	($1.70)		$
9:56 PM						
/9/20099:54:09		321	Bills	($3.50)		$
M						
/8/20097:31:58	TL1208		TRUL Withdrawal	($2.00)		$
M						
/8/2009 1:23:45	3		Sales	($10.35)		$1
M						
/4/20094:03:52		310	Books	($2.00)		$2
M						
/4/20094:00:12		307	Court Fees	($5.00)		$2
M						
/1/20092:46:21:00			Sales	($15.20)		$2
M						
/1/20091:58:58		296	Bills	($5.00)		$4
M						
/1/2009	ITDGD034 -		Debt Encumbrance - Released		$13.00	---
:21:38 AM	213					
/1/2009	ITDGD034 -		Debt Encumbrance - Released		$4.60	---
:21:38 AM	170					
/1/2009	ITDGD034	277	PLRA Payment	($17.60)		$4
:21:38 AM						
/24/2009	1		Sales	$16.35		$6
:10:07 AM						

Total Transactions: 96

Totals: **$15.20** **$0.00**

Current Balances

de	Available Balance	Pre-Release Balance	Debt Encumbrance	SPO Encumbrance	Other Encumbrance	Outstanding Instruments	Administrative Holds	Acc Bal
	$0.20	$0.00	$0.00	$0.00	$0.00	$15.00	$0.00	$1
	$0.20	$0.00	**$0.00**	**$0.00**	**$0.00**	**$15.00**	**$0.00**	**$1**

Other Balances

ational 6 Deposits	National 6 Months Withdrawals	National 6 Months Avg Daily Balance	Local Max Balance - Prev 30 Days	Average Balance - Prev 30 Days	Commissary Restriction Start Date	Commis Restriction
$288.00	$318.00	$21.75	$93.64	$14.46	N/A	

[Transcribed from handwritten document.]

United States Court of Appeals
For the District of Columbia Circuit

[Mailroom stamp omitted]

No. 10-5059 Jeremy Pinson, Appellant, v. Harley G. Lappin, et al., Appellees.	[date-stamp:] UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT FILED APR -5 2010 CLERK Motion to Stay Collection of Fees

Comes Now the Appellant and moves the Court to Stay Collection of fees in this case until the filing has been paid in full in Case No. 09-14242-C before the U.S. Court of Appeals for the Eleventh Circuit.

28 U.S.C. 1915(b)(2) permits the recoupment of up to 20% of a prisoners monthly income at any given time. Whitfield v. Scully, 241 F.3d 264, 276-78 (2d Cir. 2001). See also Lafauci v. Cunningham, 139 F. Supp. 2d 144, 147 (D. Mass. 2001) (stating that simultaneous collection of fees depriving prisoners of all sources could "raise serious constitutional concerns").

Wherefore the Court should stay collection of fees in this case until final recoupment of fees in Case No. 09-14242-C, before the U.S. Court of Appeals for the Eleventh Circuit.

/s/ Jeremy Pinson

Jeremy Pinson, Reg. No.
#16267-064
Federal Correctional
Institution
PO Box 1000
Talladega, AL, 35160
Appellant – Pro Se

Certificate of Service

I certify a copy of this motion was served upon the Appellees via U.S. Mail this 28th day of March 2010

/s/ Jeremy Pinson

Jeremy Pinson
Appellant

[Transcribed from handwritten document.]

United States Court of Appeals
District of Columbia Circuit

[Mailroom stamp omitted]

[date-stamp:]
UNITED STATES COURT
OF APPEALS FOR THE
DISTRICT OF
COLUMBIA CIRCUIT

FILED JUL 22 2010
CLERK

Jeremy Pinson, Appellant, v. Harley G. Lappin, et al., Appellees.	No. 10-5059 Dist. Ct. No. 1:10-CV-00092-UNA Motion for Joinder of Appellees and For Appointment of Counsel

Comes Now Appellant Jeremy Pinson and Movants Edwin Guzman, Antoine Bruce, James Chatman, Enrique Chavez, Richard Blount, Joseph Stevens, Anthony Zaragoza, Matthew Eyre, Chavon Wiggins, Nathaniel Theris, Damarcus Law, Donte Allen, John Leigh, Ramiro Pacheco and respectfully request the Court add movants as parties to this appeal and appoint counsel to represent them.

In support of this Motion the parties would show that this lawsuit was filed in the District Court on Dec. 20, 2009. Movants filed a Motion to join suit on Jan. 11, 2010 however the Clerk of the District Court returned the Motion for Joinder on 1-22-2010

with a Copy of the District Courts transfer Order. On that same day the Appellant filed a Motion to Reconsider he transfer Order and sent back to the District Court Movants' Motion For Joinder. On 2-23-10 the Clerk of the District Court again returned the Motion unfiled with a Copy of the Order denying the Appellants Motion For Reconsideration. On 2-23-10 Appellant submitted a Notice of Appeal, with a seperate Notice filed by Movants'. One 3-1-10 the Movants' Notice of Appeal was against returned by the District Court Clerk unfiled. On March 15, 2010 this Court converted Appellants' Notice of Appeal to a Petition for a Writ of Mandamus however the Order did not include Movants' as parties to such. This Motion follows.

Legal Analysis

Petitioner/Appellant filed suit pursuant to Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971). Movants who asserted identical claims against the defendants moved to join the suit pursuant to Fed. R. Civ. P. 20 which is permissible. See: In re Prison Litigation Reform Act, 105 F.3d 1131, 1138 (6th Cir. 1997); also: Boribourne v. Berg, 391 F.3d 852, 854-56 (7th Cir. 2004)[.] Movants assert the District Court Clerk exceeding his/her legal authority in refusing to file the Motion to Join and Joint Notice of Appeal as such determination could only be made by a District Judge upon the record.

Conclusion

Wherefore the Court should grant this Motion, direct the Clerk of this Court to add movants as parties to this appeal, and appoint counsel to

represent them or to permit filing of a Joint Amended Opening Brief.

It is So Prayed.

/s/ Jeremy Pinson
Jeremy Pinson #16267-064
/s/ Antoine Bruce
Antoine Bruce #35363-007
/s/ Richard Blount
Richard Blount #67822-065
/s/ Joseph Stevens
Joseph Stevens #07964-046
/s/ Chavon Wiggins
Chavon Wiggins #14628-112
/s/ Nathaniel Theris
Nathaniel Theris #07049-003
/s/ Ramiro Pacheco
Ramiro Pacheco #33831-177
/s/ John Leigh
John Leigh #03857-087

/s/ Edwin Guzman
Edwin Guzman #63269-097
/s/ James Chatman
James Chatman #18367-047
/s/ Enrique Chavez
Enrique Chavez #26980-112
/s/ Anthony Zaragoza
Anthony Zaragoza #18090-112
/s/ Mathew Eyre
Matthew Eyre #14948-081
/s/ Damarcus Law
Damarcus Law #08616-003
/s/ Donte Allen
Donte Allen #33008-007

Located at: FCI Talladega
PO Box 1000
Talladega, AL, 35160

[Certificate of Service omitted]

[Transcribed from handwritten document.]

United States District Court
For the District of Columbia

Jeremy Pinson, Plaintiff, v. Harley Lappin, et al., Appellees.	Case No. 10-CV-00092-UNA Court of Appeals No. 10-5059

[date-stamp:]
RECEIVED
AUG 26 2010
Clerk, U.S. District &
Bankruptcy Courts for the
District of Columbia

Amended Notice of Appeal

Comes Now Jeremy Pinson, Joseph Stevens, Richard Blount, Jeremy Brown, Terrance Young, Joe Ramirez, Mario Zuniga, Alexis Ayala, Maximillian McGarvie, Richard Hugly, Bobby Cowley, Jesse Jensrud, Ronnie Coleman, Brooks Terrell, Angel Fernandez, Anthony Zaragoza, Edwin Guzman, Matthew Eyre, Javier Gonzalez, Ramiro Pacheco, Ramiro Rosillo, James Chatman, Joel Murillo, Antoine Bruce, Andrew Hobbs, Shawn Cropp, Nathaniel Theris, Ossai Ugochukwo, Manuel Gonzalez, David Gates, Sireno Castro, Laron Marshall, Conghan To, Enrique Chavez, Gary Kornegay, Chavon Wiggins, Randy Atchley, Sean Fabian, Damarcus Law, Wayne Jenkins, Windzer Fleurissaint, Donte Allen, John Leigh, proceeding

pro se, and files Notice of Appeal (Amended) this 15th day of March 2010 from the Transfer Order, and rejection by the Clerk of the Motions for Joinder, pursuant to Fed. R. App. P. 4 and D.C. Circuit Handbook of Practice and Internal Procedure III.G.3 (2007).

/s/ Jeremy Pinson
Jeremy Pinson
16267-064

/s/ Joseph Stevens
Joseph Stevens
07964-046

/s/ Richard Blount
Richard Blount
67822-065

/s/ Jeremy Brown
Jeremy Brown
31123-074

/s/ Terrance Young
Terrance Young
05600-027

/s/ Joe A. Ramirez
Joe A. Ramirez
35876-177

/s/ Mario Zuniga
Mario Zuniga
68714-253

/s/ Alexis Ayala
Alexis Ayala
#39003-037

/s/ Maximillian McGarvie
Maximillian McGarvie
56688-054

/s/ Richard Hugly
Richard Hugly
60429-079

/s/ Bobby Cowley
Bobby Cowley
34697-177

/s/ Jesse Jensrud
Jesse Jensrud
13684-041

/s/ Richard Coleman
Richard Coleman 30138-018

/s/ Brooks Terrell
Brooks Terrell
95908-071

/s/ Angel Fernandez
Angel Fernandez
51201-179

/s/ Anthony Zaragoza
Anthony Zaragoza
18090-112

/s/ Edwin Guzman
Edwin Guzman
63269-097

/s/ Mathew Eyre
Matthew Eyre
#14948-081

/s/ Javier Gonzalez	/s/ Ramiro Pacheco	/s/ Ramiro Rosillo
Javier Gonzalez	Ramiro Pacheco	Ramio Rosillo
49464-004	33831-177	86006-079

This document was mailed to the defendants on 3-15-10 via U.S. Mail and the District Court Clerk by Plaintiff Jeremy Pinson.

/s/ Jeremy Pinson
Jeremy Pinson

[ATTACHMENT TO
AMENDED NOTICE OF APPEAL]

8-22-10

Re: Pinson v. Lappin, No. 10-cv-92-UNA
Court of Appeals No. 10-5059

Dear Clerk,

Please file the enclosed amended Notice of Appeal. It is mailed late because it was just released to me 2 days ago by prison officials who had siezed it (see Memo). Please transmit to the Court of Appeals.

Sincerely,

/s/ Jeremy Pinson

[Department of Justice
Federal Bureau of Prisons
Seal]

UNITED STATES GOVERNMENT

MEMORANDUM

FEDERAL CORRECTIONAL INSTITUTION, TALLADEGA, ALABAMA 35160

DATE: 06-28-2010

Reply to Attn Of: /s/ RRowan
R. Rowan, Counselor

Subject: **Inmate Pinson, Jeremy #16762-064**
Late Filing of Legal Work

To: To Whom It May Concern

Inmate Penson, Jeremy #162687-064 is unable to have access to his legal property, due to the fact that our SIS office has confiscated all his property and FBI has it. Our SIS office states as soon as it is returned from the FBI, then they will get it back for him. I ask to take this in to consideration on his delay on filing any legal paperwork.

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 10-5059 **September Term 2010**
1:10-cv-00092-UNA

Filed On: April 8, 2011

Jeremy Pinson,

Appellant

v.

Harley G. Lappin, et al.,

Appellees

ORDER

Upon consideration of the amended notice of appeal transmitted to this court on September 3, 2010, and the entire record herein, it is

ORDERED that the amended notice of appeal be construed as a supplement to the petition for a writ of mandamus. It is

FURTHER ORDERED that, within thirty days of the date of this order, petitioner file a memorandum of law and fact in support of the supplement to the petition for a writ of mandamus. The memorandum may not exceed fifteen pages. Failure to comply with this order will result in dismissal of the petition for lack of prosecution. See Fed. R. App. P. 38.

The Clerk is directed to send a copy of this order to petitioner by whatever means necessary to ensure receipt.

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Laura Chipley
Deputy Clerk

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 10-5059 **September Term 2010**
1:10-cv-00092-UNA

Filed On: June 22, 2011

Jeremy Pinson,

Appellant

v.

Harley G. Lappin, et al.,

Appellees

BEFORE: Tatel, Garland, and Brown, Circuit Judges

ORDER

Upon consideration of the petition for a writ of mandamus, the supplement thereto, the supporting memoranda of law and fact, the motion for joinder of appellees and for appointment of counsel, the motion for leave to proceed in forma pauperis, and the motion to stay collection of fees, it is

ORDERED that, within thirty days of the date of this order, appellees enter appearances and file a response to the motion for leave to proceed in forma pauperis and a response to the motion to stay collection of fees. Appellant may file replies to the responses within thirty days after the responses are filed. It is

FURTHER ORDERED that consideration of appellant's remaining submissions be deferred pending further order of the court.

Per Curiam

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 10-5059 **September Term, 2012**
1:10-cv-00092-UNA

Filed On: January 29, 2013

Jeremy Pinson, et al.,

Appellants

v.

Charles E. Samuels, Jr., et al.,

Appellees

BEFORE: Garland, Brown, and Kavanaugh, Circuit Judges

ORDER

Upon consideration of the notice of appeal construed as a petition for a writ of mandamus, the amended notice of appeal construed as a supplement to the petition for a writ of mandamus, the supporting memoranda of law and fact, the "motion for joinder of appellees and for appointment of counsel," Jeremy Pinson's motion for leave to proceed in forma pauperis, the motion to stay collection of fees, the response to the motion for leave to proceed in forma pauperis and motion to stay collection of fees, the reply, the supplemental pleadings filed in January and February 2012, the submissions filed in response to the court's order of

April 18, 2012, including Jeremy Brown's motion for leave to proceed in forma pauperis, and Mikeal Glenn Stine's "verified motion requesting to join the appellants/movants," it is

ORDERED that Mikeal Glenn Stine's motion to join the appellants/movants be denied, as there is no indication that Stine sought to join this case below or that he has a claim concerning the return of pleadings submitted to the district court or the transfer of the action to the Northern District of Alabama, the matters at issue in the mandamus petition. It is

FURTHER ORDERED that the motion for joinder of appellees be dismissed as moot as to all of the movants other than Nathaniel Theris, as the other movants also signed the original notice of appeal construed as a mandamus petition or the amended notice of appeal construed as a supplement to the mandamus petition. It is

FURTHER ORDERED that the motion for joinder of appellees be denied and that the mandamus petition be dismissed as to Nathaniel Theris, as he has failed to keep the court informed of his current address and to prosecute this case. See D.C. Cir. Rules 38 and 46(c). It is

FURTHER ORDERED that the mandamus petition be dismissed as to all of the remaining individuals who signed the amended notice of appeal construed as a supplement to the mandamus petition, except for Jeremy Pinson, Andrew Wesley Hobbs, and Jeremy Brown. The other individuals have either died, failed to keep the court informed of their current addresses, failed to respond to the court's order of April 18, 2012, or otherwise

prosecute the case, or indicated that they do not wish to participate in the case. It is

FURTHER ORDERED that Andrew Wesley Hobbs's response to the court's order of April 18, 2012, be construed as including a motion for leave to proceed in forma pauperis and that the motion be granted. It is

FURTHER ORDERED that Jeremy Brown's motion for leave to proceed in forma pauperis be granted. It is

FURTHER ORDERED that the mandamus petition (with Jeremy Pinson, Andrew Wesley Hobbs, and Jeremy Brown as the remaining petitioners), Jeremy Pinson's motion for leave to proceed IFP, and his motion to stay collection of fees be referred to a merits panel. The parties are directed to address the pertinent issues in their briefs, rather than incorporate their prior arguments by reference. Moreover, petitioners are directed to address their standing to pursue claims concerning the return of pleadings submitted to the district court and the transfer of the case to the Northern District of Alabama. The allocation of filing fees will be decided by the merits panel in light of its resolution of Jeremy Pinson's motion for leave to proceed in forma pauperis. It is

FURTHER ORDERED that

Anthony F. Shelley
Miller & Chevalier
655 Fifteenth Street NW
Suite 900
Washington DC 20005-5701

a member of the bar of this court, be appointed as amicus curiae to present arguments in favor of petitioners' positions. It is

FURTHER ORDERED that petitioners may file a joint opening brief of 14,000 words and a joint reply brief if 7,000 words, or they may file individual opening briefs of 8,000 words for Jeremy Pinson and 3,000 words each for Andrew Wesley Hobbs and Jeremy Brown and individual reply briefs of 4,000 words for Jeremy Pinson and 1,500 words each for Andrew Wesley Hobbs and Jeremy Brown.

The Clerk is directed to issue an appropriate briefing schedule and calendar this case for presentation to a merits panel.

Per Curiam

[Transcribed from handwritten document.]

United States Court of Appeals
District of Columbia Circuit

[Mailroom stamp omitted]

[date-stamp:]
UNITED STATES COURT
OF APPEALS FOR THE
DISTRICT OF
COLUMBIA CIRCUIT

FILED FEB 19 2013
CLERK

Jeremy Pinson, et al. APPELANTS,	
v.	No. 10-5059
Charles Samuels, et al., APPELLEES	

Motion for Reconsideration

Comes Now Antoine Bruce and seeks reconsideration of the Jan. 29, 2013 Order dismissing him from this action for failure to comply with the April 18, 2012 Order (Doc. 1369470) which he received April 27, 2012.

Movant asserts he complied with the Order on April 28, 2012 and delivered to prison staff the Consent Form and In Forma Pauperis Motion on that date to mail to this Court. Until Jan. 29, 2013 Order Movant was unaware the Court had not received the materials mailed.

Wherefore movant prays the Court resend the April 18, 2012 Order and forms and permit 21 days to remail it to the Court and vacate Movant's dismissal.

/s/ Antoine Bruce
Antoine Bruce #35363007
ADX U.S. Penitentiary
PO Box 8500
Florence CO 81226

Certificate of Service

I certify service of this motion upon Jeremy Pinson, Jeremy Brown, Andrew Hobbs, and AUSA Wynne Kelly via U.S. Mail on 2-8-13.

/s/ Antoine Bruce
Antoine Bruce

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 10-5059 **September Term, 2012**
1:10-cv-00092-UNA

Filed On: June 3, 2013

Jeremy Pinson, et al.,

Appellants

v.

Charles E. Samuels, Jr., et al.,

Appellees

BEFORE: Henderson, Griffith, and Kavanaugh, Circuit Judges

ORDER

Upon consideration of the motions for reconsideration filed by Antoine Bruce and John Samuel Leigh, it is

ORDERED that the motions be granted and that Bruce and Leigh be reinstated as petitioners in this case. It is

FURTHER ORDERED that, within thirty days of the date of this order, Bruce and Leigh file completed motions for leave to proceed in forma pauperis, Prisoner Trust Account Reports, and Consents to Collection of Fees (enclosed). Failure to comply with this order will result in dismissal of the mandamus petition as to Bruce and Leigh for lack of

prosecution. See D.C. Cir. Rule 38. The completed documents shall be referred to the merits panel to which this case is assigned.

Bruce and Leigh have not requested to file briefs, and they may join in the briefs to be filed by the amicus curiae and/or the other petitioners.

The Clerk is directed to send copies of this order to Bruce and Leigh by whatever means necessary to ensure receipt.

Per Curiam

[Form and handwritten responses transcribed.]

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

333 Constitution Avenue, NW
Washington, DC 20001-2866
Phone: 202-216-7000 | Facsimile: 202-219-8530

[**RECEIVED** stamp omitted]

[date-stamp:]
UNITED STATES COURT
OF APPEALS FOR THE
DISTRICT OF
COLUMBIA CIRCUIT

FILED JUL -1 2013
CLERK

Jeremy Pinson — USCA No. 10-5059
Appellant
v.
Harley Lappin, et al. — USDC No. 10-cv-00092-UNA

MOTION FOR LEAVE TO PROCEED
ON APPEAL IN FORMA PAUPERIS

I, Antoine Bruce, declare that I am the X appellant/petitioner __ appellee/respondent in the above-entitled proceeding. In support of this motion to proceed on appeal without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to prepay the costs of said proceeding or to give security therefor. My affidavit or sworn statement is attached.

I believe I am entitled to relief. The issues that I desire to present on appeal/review are as follows: (*Provide a statement of the issues you will present to the court. Attach an additional sheet if necessary.*) THE ISSUES THAT I DESIRE TO PRESENT ON APPEAL/REVIEW ARE THE SAME ISSUES THAT JEREMY PINSON AND THE COURT APPOINTED AMICUS CURIAE HAS BRUNG FORTH TO THE COURT'S ATTENTION.

Signature /s/ Antoine Bruce

Name of *Pro Se* Litigant Antoine Bruce

Address U.S. Penitentiary ADMAX-ADX, P.O. BOX 8500 Florence, Colorado 81226-8500

Submit original with a certificate of service to:

Clerk of Court
United States Court of Appeals
for the District of Columbia Circuit
E. Barrett Prettyman U.S. Courthouse, Room 5523
333 Constitution Avenue, N.W.
Washington, DC 20001

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

	Average monthly amount during the past 12 months		Amount expected next month	
Income Source	You	Spouse	You	Spouse
Employment	$ 0	$ 0	$ 0	$ 0
Self-employment	$ 0	$ 0	$ 0	$ 0
	You	Spouse	You	Spouse
Income from real property (such as rental income)	$ 0	$ 0	$ 0	$ 0
Interest and dividends	$ 0	$ 0	$ 0	$ 0
Gifts	$ 0	$ 0	$ 0	$ 0
Alimony	$ 0	$ 0	$ 0	$ 0
Child support	$ 0	$ 0	$ 0	$ 0

Retirement (such as social security, pensions, annuities, insurance	$ 0	$ 0	$ 0	$ 0
Disability (such as social security, insurance payments)	$ 0	$ 0	$ 0	$ 0
Unemployment payments	$ 0	$ 0	$ 0	$ 0
Public-assistance (such as welfare)	$ 0	$ 0	$ 0	$ 0
Other (specify): ORDERLY Job	$ 13.09			
Total monthly income	$ 13.09			

2. List your employment history for the past two years, most recent employer first. (Gross Monthly pay is before taxes or other deductions.)

Employer	Address
N/A	NONE
N/A	NONE
N/A	NONE

Dates of employment	Gross monthly pay
NONE	$ 0
NONE	$ 0
NONE	$ 0

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address
N/A	N/A
N/A	N/A

Dates of employment	Gross monthly pay
N/A	N/A
N/A	N/A

4. How much cash do you and your spouse have? ___

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account
N/A	N/A
N/A	N/A
N/A	N/A

Amount you have	Amount your spouse has
$ 0	$ 0
$ 0	$ 0
$ 0	$ 0

If you are a prisoner, seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home (Value)

N/A

N/A

N/A

Other real estate(Value)

N/A

N/A

N/A

Motor Vehicle #1 N/A (Value)

Make & Year: N/A

Model: N/A

Registration #:N/A

Motor Vehicle #2 0

Make & Year: N/A

Model: N/A

Registration #: N/A

Other Assets (Value)

0

0

0

Other Assets (Value)

0

0

0

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

333 Constitution Avenue, NW
Washington, DC 20001-2866
Phone: 202-216-7000 | Facsimile: 202-219-8530

Jeremy Pinson — USCA No. 10-5059

v.

Harley Lappin, et al. — USDC No. 10-cv-00092-UNA

AFFIDAVIT ACCOMPANYING MOTION FOR PERMISSION TO APPEAL IN FORMA PAUPERIS

****

Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Instructions

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Signed: /s/ Antoine Bruce

Date: 6-17-2013

My issues on appeal are: THE SAME ISSUES THAT JEREMY PINSON AND THE COURT APPOINTED AMICUS CURIAE HAS BRUNG FORTH TO TE COURTS ATTENTION.

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
N/A	0	0
N/A	0	0
N/A	0	0

7. State every person, business, or organization to whom you or your spouse owes money, and the nature of the indebtedness, and the amount owed.

Person to whom you or your spouse owe money	Nature of indebtedness (e.g. mortgage, credit card)	Amount owed	
		by you	by spouse
N/A	0	0	0

8. State the persons who rely on you or your spouse for support.

Name [or, if under 18, initials only]	Relationship	Age
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A

9. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Spouse
Rent or home-mortgage payment (include lot rented for mobile home)	$ 0	$ 0
Are real-estate taxes included	__ Yes	X No
Is property insurance included?	__ Yes	X No
Utilities (electricity, heating fuel, water, sewer, and telephone)	$ 0	$ 0

Home maintenance (repairs and upkeep)	$0	$0
Food	$0	$0
Clothing	$0	$0
Laundry and dry-cleaning	$0	$0
Medical and dental expenses	$2	$0
Transportation (not including motor vehicle payments)	$0	$0
Recreation, entertainment, newspapers, magazines, etc.	$0	$0
Insurance (not deducted from wages or included in mortgage payments)	$0	$0
Homeowner's or renters	$0	$0
Life	$0	$0
Health	$0	$0
Motor Vehicle	$0	$0

Other: N/A	$ 0	$ 0
Taxes (not deducted from wages or included in mortgage payments)	$ 0	$ 0
(specify) N/A	$ 0	$ 0
Installment Payments	$ 0	$ 0
Motor Vehicle	$ 0	$ 0
Credit card (name): N/A	$ 0	$ 0
Department store (name): N/A	$ 0	$ 0
Other: N/A	$ 0	$ 0
Alimony, maintenance, and support paid to others	$ 0	$ 0
Regular expenses for operation of business, profession, or farm (attach detailed statement)	$ 0	$ 0
Other (specify):	$ 0	$ 0

N/A

Total monthly expenses:	$ 0	$ 0

10. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?
__ Yes X No

If yes, describe on an attached sheet.

11. Have you paid-or will you be paying-an attorney any money for services in connection with this case, including the completion of this form?
__ Yes X No

If yes, state the attorney's name, address, and telephone number.

N/A

12. Have you paid-or will you be paying-anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form? No

If yes, how much? $ 0

If yes, state the person's name, address, and telephone number:

N/A

13. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

INCARCERATED

14. State the city and state of your legal residence.

Florence, Colorado-ADMAX-ADX PO BOX 8500

Florence U.S. Penitentiary 81226

Your daytime phone number: (000) 000-0000

Your age: 29 Your years of schooling: 10

Last four digits of your social-security number: 5375

[Handwritten Certificate of Service omitted]

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

[**RECEIVED** stamp omitted]

[date-stamp:]
UNITED STATES COURT
OF APPEALS FOR THE
DISTRICT OF
COLUMBIA CIRCUIT

FILED JUL -1 2013
CLERK

Case No.: 10-5059 **Name:** Antoine Bruce

Title: Jeremy Pinson, et al v. Charles Samuels, et al. **Registration No.:** 35363-007

CONSENT TO COLLECTION OF FEES FROM TRUST ACCOUNT

I, Antoine Bruce, Registration #35363-007, hereby consent to have the appropriate prison officials withhold from my prison account and pay to the Clerk, U.S. District Court for the District of Columbia an initial payment of 20% of the greater of:

(a) the average monthly deposits to my account for the six-month period immediately preceding the filing of my notice of appeal; or

(b) the average monthly balance in my account for the six-month period

immediately preceding the filing of my notice of appeal.

I further consent to have the appropriate prison officials collect from my account on a continuing basis each month, an amount equal to 20% of each month's income. Each time the amount in the account reaches $10, the Trust Officer must forward the interim payment to the Clerk's Office, U.S. District Court for the District of Columbia until such time as the $455 filing fee is paid in full.

By executing this document, I also authorize collection on a continuing basis of any additional costs imposed by the Court of Appeals.

Signature of Prisoner: /s/ Antoine Bruce
Date: 6-17-2013

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

[**RECEIVED** stamp omitted]

[date-stamp:]
UNITED STATES COURT
OF APPEALS FOR THE
DISTRICT OF
COLUMBIA CIRCUIT

FILED JUL -1 2013
CLERK

Case No.: 10-5059 **Name:** Antoine Bruce

Title: Jeremy Pinson, et al v. Charles Samuels, et al. **Registration No.:** 35363-007

PRISONER TRUST ACCOUNT REPORT

To: Trust Officer

From: Clerk, U.S. Court of Appeals for the D.C. Circuit

Under the Prison Litigation Reform Act, a prisoner seeking to bring a civil action, or appeal a civil judgment, in forma pauperis must obtain from the Trust Officer of each institution in which the prisoner was confined during the six months preceding the filing of the action or appeal, a certified copy of the prisoner's trust account statement for that period. See 28 U.S.C. § 1915(a)(2).

Please complete this form, attach the supporting ledger sheets, and return these documents to the prisoner for mailing to the court in advance of July 3, 2013.

DATE NOTICE OF APPEAL FILED:	March 1, 2010
TRUST ACCOUNT BALANCE at time of filing the notice of appeal:	$ 3.23
AVERAGE MONTHLY DEPOSITS during the six months preceding the filing of the notice of appeal:	$ 0
AVERAGE MONTHLY BALANCE during the six months preceding the filing of the notice of appeal:	$ 3.23

I certify under penalty of perjury that the above information accurately states the deposits and balances in the prisoner's trust account for the period shown and that the attached ledger sheets are true copies of account records maintained in the ordinary course of business.

Authorized Signature: /s/ illegible Date: 6/20/13

Title: Trust Fund Program Specialist

Federal Bureau of Prisons
TRUFACS
Inmate Statement
Sensitive But Unclassified

Start Date: 09/01/2009
End Date: 03/01/2010
Inmate Reg#: 35363007
Account Status: All
Institution: All

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT

JUL - 1 2013

RECEIVED

Date: 06/20/2013
Time: 7:50:19 AM

Federal Bureau of Prisons
TRUFACS
Inmate Statement
Sensitive But Unclassified

Facility: FLX

General Information

Inmate Reg#:	35363007	Living Quarter:	Z08-205LDS
Inmate Name:	BRUCE, ANTOINE	Arrived From:	ATL
Current Site Name:	Florence FCC	Transferred To:	
Housing Unit:	FLM Z A	Account Creation Date:	11/12/2004

Transaction Details

Alpha Code	Date Time	Reference#	Payment#	Receipt#	Transaction Type	Transaction Amount	Encumbrance Amount	Ending Balance
TDG	09/01/2009 01:40:51 PM	131			Sales	$0.00		$3.23
TDG	09/11/2009 10:52:30 AM	3			Sales	$0.00		$3.23
TDG	09/16/2009 12:06:35 PM	17			Sales	$0.00		$3.23
TDG	10/13/2009 07:49:03 PM	116			Sales	$0.00		$3.23
TDG	10/20/2009 07:15:04 PM	100			Sales	$0.00		$3.23
TDG	11/03/2009 01:39:29 PM	79			Sales	$0.00		$3.23
TDG	11/09/2009 12:26:37 PM	31			Sales	$0.00		$3.23
TDG	11/17/2009 12:52:57 PM	72			Sales	$0.00		$3.23
TDG	11/23/2009 03:30:57 PM	49			Sales	$0.00		$3.23
TDG	12/01/2009 01:34:00 PM	8			Sales	$0.00		$3.23
TDG	12/08/2009 02:07:01 PM	53			Sales	$0.00		$3.23
TDG	12/15/2009 02:06:20 PM	30			Sales	$0.00		$3.23
TDG	12/21/2009 07:55:15 PM	130			Sales	$0.00		$3.23
TDG	12/29/2009 02:04:53 PM	71			Sales	$0.00		$3.23
TDG	01/05/2010 12:50:47 PM	2			Sales	$0.00		$3.23
TDG	01/19/2010 07:27:14 PM	120			Sales	$0.00		$3.23
TDG	01/26/2010 12:20:03 PM	10			Sales	$0.00		$3.23
TDG	02/02/2010 12:51:24 PM	41			Sales	$0.00		$3.23
	Institution Count:	**18**						
	Total Count:	**18**			**Totals:**	**$0.00**	**$0.00**	

Date: 06/20/2013
Time: 7:50:19 AM

Federal Bureau of Prisons
TRUFACS
Inmate Statement
Sensitive But Unclassified

Facility: FLX

General Information

Inmate Reg#:	35363007	Living Quarter:	Z08-205LDS
Inmate Name:	BRUCE, ANTOINE	Arrived From:	ATL
Current Site Name:	Florence FCC	Transferred To:	
Housing Unit:	FLM-Z-A	Account Creation Date:	11/12/2004

Current Balances

Alpha Code	Available Balance	Pre-Release Balance	Debt Encumbrance	SPO Encumbrance	Other Encumbrance	Outstanding Instruments	Administrative Holds	Account Balance
FLX	($1,517.74)	$0.00	$1.46	$0.00	$1,529.37	$0.00	$0.00	$13.09
Totals:	**($1,517.74)**	**$0.00**	**$1.46**	**$0.00**	**$1,529.37**	**$0.00**	**$0.00**	**$13.09**

Other Balances

National 6 Months Deposits	National 6 Months Withdrawals	National 6 Months Avg Daily Balance	Local Max. Balance -Prev. 30 Days	Average Balance-Prev. 30 Days	Commissary Restriction Start Date	Commissary Restriction End Date
$0.00	$0.00	$13.09	$13.09	$13.09	N/A	N/A

Date: 06/19/2013
Time: 8:21 AM

Federal Bureau of Prisons
TRUFACS

Inmate Statement

Sensitive But Unclassified

Facility: FLX

JUN 19 2013

General Information

Inmate Reg#:	35363007	Living Quarter:	208-205LDS
Inmate Name:	BRUCE, ANTOINE	Arrived From:	ATL
Current Site Name:	Florence FCC	Transferred To:	
Housing Unit:	FLM-Z-A	Account Creation Date:	11/12/2004

Transaction Details

Alpha Code	Date Time	Reference#	Payment#	Receipt#	Transaction Type	Transaction Amount	Encumbrance Amount	Ending Balance
FLX	05/07/2013 02:20:10 PM	3375			BP-199 Refusal		($110.00)	
FLX	05/21/2013 12:52:06 PM	3763			BP-199 Refusal		($190.00)	
	Institution Count:	2						
	Total Count:	2			**Totals:**	**$0.00**	**($300.00)**	

Current Balances

Alpha Code	Available Balance	Pre-Release Balance	Debt Encumbrance	SPO Encumbrance	Other Encumbrance	Outstanding Instruments	Administrative Holds	Account Balance
FLX	($1,517.74)	$0.00	$1.46	$0.00	$1,529.37	$0.00	$0.00	$13.09
Totals:	**($1,517.74)**	**$0.00**	**$1.46**	**$0.00**	**$1,529.37**	**$0.00**	**$0.00**	**$13.09**

Other Balances

National 6 Months Deposits	National 6 Months Withdrawals	National 6 Months Avg Daily Balance	Local Max. Balance -Prev. 30 Days	Average Balance- Prev. 30 Days	Commissary Restriction Start Date	Commissary Restriction End Date
$0.00	$0.00	$13.09	$13.09	$13.09	N/A	N/A

Date: 06/19/2013
Time: 10:40:21 AM

Federal Bureau of Prisons
TRUFACS
Inmate Statement
Sensitive But Unclassified

Facility: FLX

Start Date: 12/19/2012
End Date: 06/19/2013
Inmate Reg#: 35363007
Account Status: All
Institution: All

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

PRISON LITIGATION REFORM ACT NOTICE

Pursuant to the Prison Litigation Reform Act, new requirements have been placed on prisoners proceeding pro se when filing appeals in Federal courts. The most significant restrictions relate to filing *in forma pauperis* and filing successive claims.

PROCEEDING *IN FORMA PAUPERIS*

28 U.S.C. § 1915 requires a prisoner to pay the appropriate filing fee ($450 for a petition for review from an agency decision or an original action or $455 for an appeal from the district court) when filing an appeal *in forma pauperis*. The court must assess and collect from your prison account a partial filing fee of 20% of the greater of:

(1) the average monthly deposits to your prison account; or

(2) the average monthly balance in your prison account for the six month period preceding the filing of the notice of appeal.

Thereafter, you are required to make monthly payments of 20% of the preceding month's income. The agency having custody of your account is required to forward payments from your account to the Clerk of the court each time the amount in your account exceeds $10.00, until the filing fee is paid.

If you are attempting to proceed *in forma pauperis* on appeal from a district court order in a civil case, you must seek leave to do so from the district court in the first instance. (Note that the district court's

authorization to proceed in that court *in forma pauperis* is effective only for proceedings in the district court and does not carry over to proceedings in this court.) If the district court denies leave to proceed *in forma pauperis* on appeal, you may seek leave to do so from this court. If the district court grants leave to proceed in forma pauperis on appeal, you must submit to this court a certified copy of the trust fund account statement for the six-month period preceding the filing of the notice of appeal and the consent to collection of fees form. In an original action or agency case, you must also submit a completed motion for leave to proceed on appeal *in forma pauperis* form.

Under 28 U.S.C. § 1915, you may be required to pay the appropriate filing fee in full, even if the complaint is dismissed prior to the collection of the entire filing fee.

SUCCESSIVE CLAIMS

Pursuant to the Prison Litigation Reform Act, unless a prisoner claims to be in "imminent danger of serious physical injury," he or she may not file a civil action or pursue a civil appeal *in forma pauperis* "if the prisoner has, on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or failed to state a claim upon which relief may be granted." 28 U.S.C. § 1915(g).

[Transcribed from handwritten document.]

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT

[Mailroom stamp omitted]

Jeremy Pinson, et al. Appellants	No. 10-5059
v.	
Charles E. Samuels, Jr., et al. Appellees	

Joinder to Motion to Stay Collection

Comes Now Antoine Bruce, pro se, and for the reasons stated in the Motion to Stay Collection of fees by Jeremy Pinson, and the brief of amicus curiae, and seeks an Order to the BOP not to collect in excess of 20% of my income in this case and previous lawsuits such as Case No. 13-cv-00491 (D. Colo.) and 09-cv-2378 (N.D. Ala.), etc.

It is So Prayed.

/s/ Antoine Bruce
Antoine Bruce #35363-007
PO Box 8500
Florence CO 81226

[date-stamp:]
United States Court of Appeals
For the District of Columbia Circuit
FILED AUG 26, 2013
CLERK